

Notice of Allowability

Application No.

09/621,772

Examiner

Shervin Nakhjavan

Applicant(s)

BERENZ ET AL.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received on 12-28-04.
2. ☒ The allowed claim(s) is/are 24-39.
3. ☒ The drawings filed on 14 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1-7-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Information Disclosure Statement

1. The IDS filed on 1-7-05 has been considered and made of record.

Response to Arguments

2. Applicant's arguments, see remarks, pages 8 and 10, filed 12-8-04, with respect to Tumey et al. (US 20020097145), Lemelson et al. (US 6,400,835) and Turner (US 6,002,326) together or by themselves not teaching *a detector* detecting radiation from a person located in the predefined field outside of the vehicle and detecting radiation reflected from an occupant of the vehicle that is located in the predefined interior field of the vehicle of claim 29 and sounding an alarm and recording an image of the person in a memory *when* the processor determines that the person *is not* an authorized user of claim 35 have been fully considered and are persuasive. The rejection of claims 24-39 has been withdrawn.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: claims 24-39 are allowed because, the prior art of record Tumey et al. (US 20020097145) and Lemelson et al. by themselves or combined do not teach, *a detector* detecting radiation from a person located in the predefined field outside of the vehicle and detecting radiation reflected from an occupant of the vehicle that is located in the predefined interior field of the vehicle and further perform facial feature recognition of the authorized occupant in both of the detecting steps to authorize the occupant of the

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vehicle of claim 29 and Lemelson et al. in view of Turner do not teach sounding an alarm and recording an image of the person in a memory *when* the processor determines that the person *is not* an authorized user of claim 35, combined with other features and elements of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shervin Nakhjavan whose telephone number is (571) 272-7395. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (571)272-7453.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Or faxed to:

(703) 872-9306 for *formal* communications,

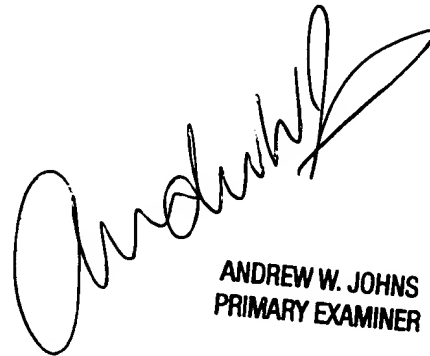
Hand delivered responses: (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.)

**United States Patent and Trademark Office
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Any inquiry of a general nature or relating to the status of this application should be directed to the Tech center 2600 customer service office **(571) 272-2600**.

Shervin Nakhjavan *S.N*
Patent Examiner
Group Art Unit 2621
May 24, 2005



ANDREW W. JOHNS
PRIMARY EXAMINER